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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,832	03/23/2004	Yuko Nishikawa	81205 7114	4230
37123 7590 03/20/2008 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603			EXAMINER TAYLOR, JOSHUA D	
			ART UNIT 4157	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/806,832	Applicant(s) NISHIKAWA ET AL.	
	Examiner Josh Taylor	Art Unit 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 rejected under 35 U.S.C. 102(e) as being anticipated by Robarts et al. (Pub. No.: US 2005/0278741).

Regarding claim 1, Robarts et al. disclose:

A method comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data (paragraph [0098], lines 1-8, paragraph [0101], lines 1-7); **providing at least a first and a second characterizing descriptor filter** (paragraph [0098], lines 1-8); **simultaneously displaying: a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter** (Fig. 13, paragraph [0098], lines 2-4); **a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter** (Fig. 13, paragraph [0098], lines 2-4); **at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable**

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characterizing descriptor filter criteria (Fig 9, 10, 12 and 13, paragraph [0098], lines 1-8, paragraph [0101], lines 1-7).

Regarding claim 2, Robarts et al. disclose:

The method of claim 1 wherein displaying at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria further comprises not displaying any of the characterizing descriptors as do not correspond to the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria. (Fig. 14, paragraph [0102]-[0103]). Element 296 is a display which does not display any other the television shows which have been filtered out.

Regarding claim 3, Robarts et al. disclose:

The method of claim 1 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to textual characterizing descriptors as individually correspond to a plurality of discrete selectable items of data (Fig. 4, paragraph [0049], lines 4-7).

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Regarding claim 4, Robarts et al. disclose:

The method of claim 1 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content (Fig. 3, paragraph [0051], lines 4-5).

Regarding claim 5, Robarts et al. disclose:

The method of claim 4 further comprising: simultaneously displaying at least one graphic image as individually corresponds to the at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria (Fig. 6, paragraph [0071], lines 1-2, 10-12).

Regarding claim 6, Robarts et al. disclose:

The method of claim 4 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to characterizing descriptors that comprise at least one of: a programming network identifier; a broadcast starting time; a description of the audio/visual content; content media source (Fig. 4, paragraph [0049], lines 4-7).

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Regarding claim 7, Robarts et al. disclose:

The method of claim 4 wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media (Fig. 5, 14, paragraph [0054], lines 16-19).

Regarding claim 8, Robarts et al. disclose:

The method of claim 1 wherein the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is selected in response to a remote control device (paragraph [0024], lines 1-4).

Regarding claim 9, Robarts et al. disclose:

The method of claim 1 wherein the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is selected in response to a remote control device (paragraph [0024], lines 1-4) by scrolling through candidate settings of the first and second plurality of user-selectable characterizing descriptor filter criteria (Fig. 6, paragraph [0068], lines 4-9).

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Regarding claim 10, Robarts et al. disclose:

An interactive data display system comprising: characterizing descriptors as individually correspond to a plurality of discrete selectable items of data (paragraph [0098], lines 1-8, paragraph [0101], lines 1-7); at least a first and a second characterizing descriptor filter (paragraph [0098], lines 1-8); control circuitry that simultaneously displays: at least one of a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter (Fig. 13, paragraph [0098], lines 2-4); at least one of a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter (Fig. 13, paragraph [0098], lines 2-4); at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria (Fig 9, 10, 12 and 13, paragraph [0098], lines 1-8, paragraph [0101], lines 1-7).

Regarding claim 11, Robarts et al. disclose:

The interactive data display system of claim 10 further comprising: a remote control device for selecting the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria (paragraph [0024], lines 1-4).

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Regarding claim 12, Robarts et al. disclose:

An interactive program guide system comprising: characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content (Fig. 5, 14, paragraph [0054], lines 16-19); at least a first and a second characterizing descriptor filter (paragraph [0098], lines 1-8); control circuitry that simultaneously displays (paragraph [0056], lines 4-7): at least one of a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter (Fig. 13, paragraph [0098], lines 2-4); at least one of a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter (Fig. 13, paragraph [0098], lines 2-4); at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria (Fig 9, 10, 12 and 13, paragraph [0098], lines 1-8, paragraph [0101], lines 1-7).

Regarding claim 13, Robarts et al. disclose:

The interactive program guide system of claim 12 further comprising: a remote control device for selecting the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria (paragraph [0024], lines 1-4).

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Regarding claim 14, Robarts et al. disclose:

The interactive program guide system of claim 13 wherein the remote control device (paragraph [0024], lines 1-4) comprises at least one key for scrolling through candidate settings of the first and second plurality of user-selectable characterizing descriptor filter criteria (Fig. 6, paragraph [0068], lines 4-9).

Regarding claim 15, Robarts et al. disclose:

The interactive program guide system of claim 14 wherein the remote control device further comprises at least one key for moving a focus from one characterizing descriptor filter to another characterizing descriptor filter (paragraph [0070], lines 1-7).

Regarding claim 16, Robarts et al. disclose:

The interactive program guide system of claim 12 wherein the control circuitry further simultaneously displays a program of audio/visual content (Fig. 6, paragraph [0071], lines 1-2, 10-12).

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Regarding claim 17, Robarts et al. disclose:

The interactive program guide system of claim 12 wherein the control circuitry further simultaneously displays a preview of a discrete selectable item of audio/visual content as corresponds to the present setting of the first and second plurality of user-definable characterizing descriptor filter criteria (Fig. 6, paragraph [0071], lines 1-2, 10-12).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/
Patent Examiner

/Vu Le/
Supervisory Patent Examiner, Art Unit 4157